

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Maria Pereira,

Complainant

against

Docket #FIC 2020-0651

Chairman, Bridgeport Public Safety Collaborative, City of Bridgeport; Bridgeport Public Safety Collaborative, City of Bridgeport; and City of Bridgeport,

Respondents

March 8, 2023

The above-captioned matter was heard as a contested case on March 30, 2022, at which time the complainant and the respondents appeared and presented testimony, exhibits, and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted remotely through the use of electronic equipment, pursuant to §149 of Public Act 21-2 (June Special Session), as amended by §1 of Public Act 22-3.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.

2. By email received and filed December 18, 2020,<sup>1</sup> the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by holding certain meetings that were closed to the public. The complainant requested the imposition of civil penalties and other sanctions.

3. Section 1-206(b)(1) provides in relevant part:

Any person ... wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may appeal

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<sup>1</sup> On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of §1-206(b)(1), G.S., which requires the Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending before the Commission on the issuance date and any appeal filed through June 20, 2021. Consequently, the Commission retains jurisdiction over this matter.

therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial, except in the case of an unnoticed or secret meeting, in which case the appeal shall be filed not later than thirty days after the person filing the appeal receives actual or constructive notice that such meeting was held.

4. Section 1-225(a), G.S., provides in relevant part:

The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. . . .

5. Section 1-225(d), G.S., provides in relevant part that:

Notice of each special meeting of every public agency. . . shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof. . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state. . . . [The] clerk shall cause any notice received under this section to be posted in his or her office. . . . Such notice shall be given not less than twenty-four hours prior to the time of the special meeting;

6. It is found that the respondent Bridgeport Public Safety Collaborative ("Collaborative") was formed in or around October 2020 by Bridgeport City Council President Aidee Nieves and City Council Member Scott Burns. It is found that the Collaborative consisted of Council President Nieves, Councilman Burns, and representatives from various city agencies and community groups. It is further found that the purpose of the Collaborative was to engage in discussion with the community about public safety and police reform, and to propose policy recommendations to the City Council.

7. It is found that the Collaborative held special meetings remotely on November 11, 2020, November 18, 2020, and December 2, 2020. It is further found that the Collaborative did not post a notice or an agenda for such meetings, and that only the members of the Collaborative were invited to attend. It is therefore found that the meetings at issue were “unnoticed or secret,” within the meaning of §1-206(b)(1), G.S.

8. Although the complaint in this case was filed on December 18, 2020, it is found that the plaintiff received actual or constructive notice that these meetings had occurred on November 26, 2020, during a phone call with Reverend D. Stanly Lord, who was a member of the Collaborative. It is therefore concluded that the Commission has jurisdiction over the complaint, including over the Collaborative’s November 11, 2020 meeting.

9. With respect to the merits of the complaint, it is found that the remote meetings described in paragraph 7, above, were not open to the public or noticed, as required by §§1-225(a) and (d), G.S.

10. It is therefore concluded that the respondents violated the provisions of §§1-225(a) and (d), G.S.

11. With regard to the requested remedies, the complainant contended that the Commission should order the respondents to “file” recordings or transcriptions of the meetings at issue with the Bridgeport City Clerk. The complainant further contended that the alleged violation was “willful, flagrant, and continuing,” such that the Commission should impose a civil penalty.

12. The respondents testified that they did not believe that the Collaborative was a public agency at the time of the meetings in question. The respondents contended that no relief should be ordered in this case because, as soon as the complainant raised her concerns about the meetings, they took action to address such concerns.

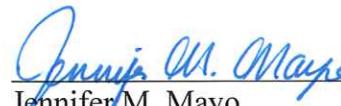
13. Although ignorance of the law does not excuse the violations, it is found that the respondents immediately addressed the complainant’s concerns by disbanding the Collaborative and, thereafter, by creating the Advisory Task Force on Public Safety, which had the same purpose as the Collaborative, and which held meetings that were noticed and open to the public

14. It is found that there are no recordings or minutes of the three meetings at issue, which meetings took place over two years ago.

15. Based on the foregoing, the Commission declines to consider the imposition of a civil penalty in this case.

Based on the facts and circumstances of this case, no order by the Commission is recommended.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 8, 2023.

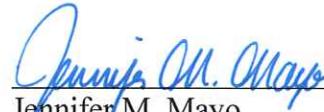
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**MARIA PEREIRA**, 206 Bradley Street, Bridgeport, CT 06610

**CHAIRMAN, BRIDGEPORT PUBLIC SAFETY COLLABORATIVE, CITY OF BRIDGEPORT; BRIDGEPORT PUBLIC SAFETY COLLABORATIVE, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT**, c/o Attorney Dina Scalo, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604

  
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Jennifer M. Mayo  
Acting Clerk of the Commission